

Mayor  
Kwasi A. Fraser

Council  
Joan Lehr  
John A. Nave  
Patrick McConville II  
Karen Jimmerson  
Douglass J. McCollum  
Benjamin J. Packard

[www.purcellvilleva.gov](http://www.purcellvilleva.gov)



Town Manager  
Robert W. Lohr, Jr.  
Assistant Town Manager  
Daniel C. Davis

221 S. Nursery Avenue  
Purcellville, VA 20132  
(540) 338-7421  
Fax: (540) 338-6205

**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**ORDINANCE NO. 15-09-01**

**PRESENTED: SEPTEMBER 8, 2015**

**ADOPTED: OCTOBER 27, 2015**

**AN ORDINANCE: TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS," REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PURCELLVILLE, VIRGINIA, THAT CHAPTER 6 OF THE TOWN CODE IS HEREBY AMENDED TO RETITLE CHAPTER 6 AS "EVENTS," TO REPEAL SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND TO ADD SECTIONS 6-1 THROUGH 6-13 AS FOLLOWS:**

**Chapter 6**

**AMUSEMENTS AND ENTERTAINMENTS**

**Sec. 6-1. Public dances.**

~~(a) Police protection. It shall be unlawful for any person to hold a public dance in the town, unless the person holding such dance shall, at his own expense, provide a police officer to be present during the dance, which officer shall be acceptable to and shall be sworn in by the chief of police before such dance is held.~~

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

~~(b) *Closing hour.* All public dances held in the town shall be closed not later than 1:00 a.m.~~

~~(c) *Penalty.* Any violation of this section shall be a class 3 misdemeanor.~~

~~(Code 1977, §§ 3-1, 3-2)~~

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

**CHAPTER 6  
EVENTS**

**Sec. 6-1. Purpose**

Recognizing that Events enhance the quality of life for residents and visitors alike, and provide substantial economic benefits related to additional tourism, the Town seeks to encourage Events. Because Events place increased demands on public services (increasing traffic congestion, reducing parking availability, increasing trash collection needs, increasing police patrols and calls, and increasing emergency medical calls), it is the purpose of this Ordinance to (a) establish a structured process for evaluating the impact of Events on the public, (b) coordinate Town services provided to Events, (c) assess and collect fees to offset the cost to the Town of Events, (d) ensure the health and safety of Event patrons, and (e) protect the rights and interests granted the holder of an Event Permit.

It is further the purpose of this Ordinance to create a class of itinerant merchants - itinerant merchants who sell *only* at Events that are subject to a valid Events Permit - who will not be required to pay the Town’s Business, Professional, and Occupational License Tax, and to exempt all vendors at Events that are subject to a valid Events Permit from collecting and remitting the Town’s Meals Tax.

**Sec. 6-2. Definitions**

- A. Event. An activity is an Event governed under this Ordinance *only if* it is an “Identified Activity,” hereinafter defined, that occurs on (1) property owned by the Town of Purcellville, (2) property owned by another governmental entity and located within the Town of Purcellville’s corporate limits (including public streets, public rights-of-way, and other public property) when the Identified Activity includes more than three vendors selling Goods, (3) private property, when any part of the Identified Activity is conducted outside a permanent enclosed structure, (4) private property, when the Identified Activity is conducted inside a permanent enclosed structure and more than 250 people are



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

anticipated to attend over the duration of the Event, or (5) private property, when the Identified Activity is (i) conducted inside a permanent enclosed structure, (ii) anticipated to have fewer than 250 people in attendance over the duration of the Event, and (ii) planned to have more than three vendors selling Goods.

The following are expressly excluded from the definition of Event: (i) a funeral procession supervised by a licensed mortuary; (ii) a Farm and Community Market governed under Ordinance 10-12-02; (iii) performances on private commercial patios; (iv) the existence of a food truck on private property when no activity is occurring on the property other than the food truck and the principal use of the property; (v) yard sales conducted on property that is residentially-occupied or owned by a homeowners' association, (vi) neighborhood block parties on property owned by a homeowners' association, and (vii) an Identified Activity produced and sponsored by an Institutional Use (herein defined) on property occupied by the same Institutional Use, so long as such Identified Activity (a) does not include more than three outside vendors selling Goods, and (b) is not located on property owned by the Town.

- B. Identified Activity. An Identified Activity is one of the following activities: (i) festival, (ii) carnival or circus, (iii) concert for which a ticket is needed or a donation is encouraged, (iv) parade, (v) performance, (vi) tournament, as hereinafter defined, (vii) race on public streets, (viii) neighborhood block party on a public street, (ix) demonstration, or (x) sale of Goods, as hereinafter defined.
- C. Event Permit. An Event Permit is a permit issued by the Town to the organizer of an Event that allows a particular Event to occur and without which the particular Event may not lawfully occur.

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

- D. Event Organizer. An “Event Organizer” is the person or entity that applies for an Event Permit and who is responsible for the Event. An Event Permit, if granted, is issued to the Event Organizer.
- E. Tournament. A “Tournament” means a series of sport, game, or exercise contests between a number of visiting competitors or teams, who compete for an overall prize or title. To be a “tournament” under this Ordinance, the visiting competitors or teams must be participating in a competition that includes teams from across the Commonwealth of Virginia, or a larger territory. A tournament that includes teams from only the northern Virginia region is not a “tournament” under this Ordinance.
- F. Goods. “Goods” are items manufactured or produced for sale and include durable goods, non-durable goods such as food and beverage, and artistic goods such as original art, textiles, and crafts.
- G. Institutional Use. “Institutional Use” includes schools, colleges, churches, museums, libraries, community centers, and public safety facilities.

**Sec. 6-3. Event Permit**

- A. Permit Required. No person may hold an Event unless an Event Permit is first obtained from the Town. An Event held without an Event Permit is unlawful activity, subject to penalty in accordance with this Ordinance.
- B. Event Organizer. Each Event must have a designated Event Organizer, to whom the Event Permit is issued.
- C. Permit Application. A complete Application for Event Permit (“Application”) must be submitted by the Event Organizer. An Application is complete when it meets all of the Application Submission Requirements set forth below. The Town’s Event Specialist, or



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

equivalent position, will review the Application for completeness and, once complete, will distribute a copy of the Application to each Town Department affected by the proposed Event for their review. Each Town Department affected by the proposed Event will review the Application against the regulations set forth herein, will provide comment regarding the impact of the Event on Town services, and will make suggestions for approval or denial. The Application will be reviewed by the Town for impacts to, compliance with, and recommendations regarding the following: Emergency Medical Services, Police, Risk Management, Traffic Operations, Sanitation Services, Zoning, Fire and Rescue, Business Licensing, and Taxation.

**D. Application Submission Requirements**

- (1) Application Form. A completed application form must be submitted with the Application. If the proposed Event is to occur on private property, the application form must be signed by the Owner of such property and the Event Organizer. The application form must include a specific and accurate written representation of the proposed Event so that the Town may identify the required level of Town services.
- (2) Application Fee. The Event Organizer shall submit with the Application a non-refundable fee to cover the cost to the Town of reviewing and acting on the Application, made payable to the Town of Purcellville. The Application fee is set forth on the Town’s Master Fee Schedule.
- (3) Comprehensive Event Plan. A comprehensive event plan must be submitted with the Application that shows:
  - a. The event venue, including streets and areas that are part of the venue. If the event is a moving event (e.g. race, parade, etc), label the direction of the route

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

- b. All proposed street closures. No street closure shall be granted by the Town unless the Town first determines that:
  - i. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
  - ii. such street closing would not be unduly injurious to public safety and convenience; and
  - iii. VDOT consent has been granted if VDOT consent is required; and
  - iv. adequate provision can be made to detour through-traffic during the Event; and
  - v. the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.
- c. A description of the general area needed for parking spaces, trailers, vendors, performers, equipment, amusement rides, animals, stages, bleachers, tents, toilets, trash barrels, and other information that will assist the Town in reviewing the proposed Event
- d. Emergency Access (at least 20 feet wide) into the Event area
- e. The location of electrical generators
- f. Enter and Exit locations for enclosed or fenced-in Events
- g. All ADA-Compliant access points to the Event
- h. If applicable, a shuttle plan

(4) Event Schedule. The Application must include an Event Schedule that provides a detailed timeline of the Event, including set-up, tear-down, and clean-up.

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

- (5) Security Plan. The Application must include a description of the size, type, activities, time of day, and location of the Event so that security needs may be assessed.
- (6) Emergency Services Plan. The Application must include a description of the nature and quantity of emergency services provided for the Event.
- (7) Anticipated Attendance. The Application must include the anticipated attendance at the Event.
- (8) Vendors. The Application must identify whether vendors will be participating in the Event. If vendors will be participating, the Application must identify the estimated number of vendors, and whether any vendor will be selling weapons such as knives or guns.
- (9) Loudoun County Event Information Form. The Application must include a completed Loudoun County Event Information Form.
- (10) Signage. The Application must include a Sign Plan that conforms to the sign regulations set forth in the Town Zoning Ordinance.

**E. Application Submission and Review Deadlines.**

The completed Application should be submitted as early as possible, but no earlier than 12 months prior to the Event. The Town will complete its review of an Application within 120 days, provided all information and materials requested by the Town are promptly provided by the Event Organizer. Applications submitted fewer than 120 days prior to the Event may be rejected without review if the Town’s Event Specialist determines that the size and complexity of the Event coupled with the volume of Applications under review by the Town make it



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

unlikely or impossible to process the Application prior to the Event date; the Town assumes no liability if an Application submitted fewer than 120 days prior to the Event date is accepted for review by the Town but cannot be fully processed prior to the Event date. Applications submitted fewer than 120 days prior to the Event, if accepted for processing, will be subject to a fee for expedited review as set forth on the Town’s Master Fee Schedule. Each Application will be processed in the order it is received. If multiple Applications are received simultaneously, then the Town will utilize a lottery system to select the order in which such Applications will be processed. If multiple Applications are received simultaneously for the same venue and the same date, then the Town will utilize a lottery system to select only one such Application for review and action, and may deny the other Applications pursuant to Section III.F.(1) of this Ordinance. The Town reserves the right in its sole discretion to reject an Application if it is submitted fewer than 15 days prior to the proposed Event.

**F. Criteria for Event Permit Approval.**

An Application for Event Permit will be approved if it meets all of the following criteria for Event Permit Approval. Note that for Events conducted at an Agricultural Operation, as defined under Va. Code 3.2-300, a legal determination is needed to determine whether an Event Permit may be required.

- (1) Venue is available. The proposed venue must be available for the requested date and time. The proposed venue must be able to accommodate the expected participants, including vendors and exhibitors, without posing a security or safety risk. Events are permitted in all Town zoning districts.
- (2) Date; Time; Duration. Events must have a specific start date and time and a specific end date and time. The date, time, and duration of the Event must not conflict, impact, or directly compete for resources previously approved by the

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

Town, or with scheduled construction, scheduled maintenance, previously approved Events, or Event Permit Applications that have already been accepted by the Town for review. Events must conclude no later than 11:00 pm on Friday and Saturday nights, and on the night before a federal holiday. Events must conclude no later than 9:00 pm on all other nights. Events may commence no earlier than 7:00 am on Saturdays, Sundays, and federal holidays. Events may commence no earlier than 9:00 am on all other days.

- (3) Limitation on the number of Events. No more than one Event per month is permitted on each privately-owned parcel of land. If an Event is not conducted in a given month, the opportunity to have an Event is lost for that month and may not be carried over into a different month. For purposes of this paragraph, “privately-owned parcel of land” is defined to mean a particular parcel identification number, as assigned by Loudoun County. There is no limit to the number of Events that may occur on public property.
- (4) Venue Owner and Event Organizer are in Good Standing. If either the owner of the Event venue or the Event Organizer is not in good standing with the Town with regard to fees, taxes or other obligations, including but not limited to parking tickets and personal or real property taxes, the Town reserves the right to deny the Application for Event Permit.
- (5) Certificate of Insurance. Prior to issuance of an Event Permit for an Event located on property owned by the Town of Purcellville or property owned by another governmental entity, the Event Organizer shall submit to the Town (i) a Certificate of Insurance demonstrating current comprehensive general liability insurance of at least \$1,000,000 per occurrence for bodily injury and property damage, or such higher amount as may reasonably be deemed necessary by the Town based on its risk assessment, (ii) a Certificate of Insurance demonstrating a



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

deductible in an amount no higher than \$1,000.00, and (iii) an Endorsement to the general liability policy naming the Town of Purcellville as an additional insured. The Certificate of Insurance and Endorsement are required to ensure that the Town of Purcellville is not held financially responsible for any incidents or lawsuits that are indirectly or directly related to the Event. The insurer must be licensed to conduct business in the Commonwealth of Virginia and must have an A. M. Best rating of A- or better.

- (6) Public Property Accepted in As-Is Condition. The Event Organizer must accept the public property as-is; the Town does not warrant that any public area is suitable for the activities to be conducted as part of the Event. The Event Organizer is solely responsible for any damages or injuries resulting to any person or property arising from the Event. The Town expressly reserves all sovereign and governmental immunity to which it, and its officers, officials, and employees may be entitled to under the laws of the Commonwealth of Virginia.
- (7) Event Services Fees. Each Event will be evaluated by the Town for its impact on Town property and services. The Town will identify the cost to the Town to service the Event and will assess and collect those costs against the Event Organizer as a condition to issuing an Event Permit. Fees will be assessed in accordance with the Event Services Fee Schedule set forth in the Town’s Master Fee Schedule. The costs to be recouped include, but are not limited to: personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, property maintenance, prompt restoration, and monitoring.
- (8) Mitigation of Issues. All issues identified by the Town in its review of the application are mitigated by the Event Organizer, including but not limited to litter prevention, portable restrooms, traffic control, parking, public safety,



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

emergency services, and clean-up. Such mitigation shall be documented by amending the Event Permit Application.

- (9) Requirements Met. The Application for Event Permit complies with all requirements set forth in these regulations and all other Town Ordinances.

**G. Permit Denial.**

If an Event Permit Application fails to meet one or more of the Criteria for Event Permit Approval, the application will be denied in writing, with the reasons for denial specified. Common reasons for denial of an Event Permit Application may include:

- (1) Receipt of Multiple Requests. A fully executed and complete application was previously received by the Town for the same venue and date, and the venue requested for the Event will not reasonably accommodate multiple Events.
- (2) Dangerous Activity or Location. It reasonably appears that the proposed activity will present a danger to the public safety or health, or would be unlawful. Examples of unlawful activity include, without limitation, instances in which a permit or license is required by the Virginia Department of Health or the Virginia Department of Alcohol Beverage Control, and has not been obtained.
- (3) Incompatible Use. The proposed venue cannot reasonably accommodate the nature or duration of the proposed Event, or is otherwise incompatible or inconsistent with the proposed Event.
- (4) No Responsible Person or Entity. There is no person or entity authorized to sign an application on behalf of a group applying for a permit, or there is no person or

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

legal entity willing to accept responsibility for the group's adherence to the limitations set forth within these regulations.

(5) Size of Event. The existing Town infrastructure cannot reasonably accommodate the proposed Event, given the Event's anticipated attendance.

(6) Failure to Meet the Criteria for Event Permit Approval. The Event Permit Application does not meet one or more Criteria for Event Permit Approval, as set forth in these regulations.

**H. Road Races.**

In addition to other regulations contained herein, road races must also meet the following conditions:

(1) A maximum of six road races will be allowed each calendar year, with no more than one road race to occur in a given month.

(2) All road races must be held on Sundays.

(3) Applications will be considered in the order they are received; if multiple applications are received simultaneously, then the applicants will be selected by lottery.

(4) No road race whose route is entirely within the Town of Purcellville may exceed 5K.

**I. Permit Revocation.**

An Event Permit may be revoked by the Town prior to the Event or during the Event, as set forth below. Upon revocation of an Event Permit the Town shall notify the Event

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

Organizer, specifying the reason for the revocation. An Event Permit may be revoked by the Town under the following conditions:

- (1) An Event Permit may be revoked by the Town prior to the Event upon a finding by the Town that there is a violation of a rule, ordinance, law, regulation, or a violation of a condition of the Event Permit, and the Event Organizer failed to cure such violation after reasonable notice.
- (2) An Event Permit may be revoked during an Event upon finding by the Town that:
  - a. continuation of the Event presents a danger to the public health or safety, including inclement weather, or
  - b. violation of an applicable law or regulation at the Event cannot reasonably be mitigated other than by terminating the Event.

J. Street Closures

- (1) No public street may be closed for any Event, unless done pursuant to an Event Permit expressly authorizing such street closure. No street closure shall be granted by the Town unless the Town first determines that:
  - a. such street closing is necessary because the Event will so impede vehicular or pedestrian travel on the street so as to make such travel unsafe or impracticable; and
  - b. such street closing would not be unduly injurious to public safety and convenience; and
  - c. VDOT consent has been granted if VDOT consent is required; and
  - d. adequate provision can be made to detour through-traffic during the Event; and
  - e. the Event Organizer will furnish a public liability and property damage insurance contract, meeting all the requirements of the Code of Virginia § 15.2-2013, as amended.



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

(2) No street may be closed for an Event except on a temporary basis, not to exceed 48 hours in duration.

(3) If the circumstances of a proposed Event are such that a street closing is necessitated because the Event will likely impede vehicular or pedestrian travel, then the Town will require a street closing in connection with the Event even if such closure is not requested by the Event Organizer. If all conditions for street closure cannot be met when street closure is necessitated by the Event, then the Event Permit will be denied.

K. Speech, Advertising and Solicitation at Events. For Events held on property owned by the Town of Purcellville, the Town may impose restrictions on the time, place, and manner of speech protected under the First Amendment to the United States Constitution, provided that such restrictions are content neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternatives for communication.

**Sec. 6-4. Priority of Use**

Events that are entirely or largely sponsored by the Town shall have priority use of public property. The Town reserves the right to cancel an Event on public property at any time due to unforeseen emergency circumstances.

**Sec. 6-5. Vendors at Events**

A. Health and Licensing Requirements. The Virginia Department of Health ("VDH") requires that all food or beverage operations hold a permit issued by VDH when a sale price is associated with the exchange of food or beverages, or when food or beverages are free to the general public. The Event Organizer is responsible for ensuring that all food and beverage vendors have obtained such permit from VDH prior to the Event. A list of

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

all food and beverage vendors must be submitted to the Town no fewer than thirty (30) days prior to the Event.

B. Business Professional and Occupational License ("BPOL"); Taxes. All Itinerant Merchants at a permitted Event, including the Event Organizer, are exempt from obtaining a Business, Professional, and Occupational License (BPOL) and paying BPOL Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from including revenues from the permitted Event in their report of gross receipts. The term "itinerant merchant" shall be defined as the term is defined under Title 58.1 of the Code of Virginia, as amended.

C. Meals Tax. All Itinerant Merchants at an Event, including the Event Organizer, are exempt from collecting and transmitting to the Town the Meals Tax for that Event. All vendors at a permitted Event, including the Event Organizer, who have been issued a Business Professional and Occupational License by the Town of Purcellville are exempt from collecting meals tax at that Event.

**Sec. 6-6. Alcohol**

Alcohol is not permitted on public property during any Event unless the Event Permit specifically allows for it and all alcohol-related Event Permit Conditions are met, including a requirement that the Event Organizer provide proof of Liquor Liability Insurance in the minimum amount of one million dollars on an "occurrence" basis, naming the Town of Purcellville as Certificate Holder. A copy of the Certificate must be provided to Town at least thirty (30) days prior to the Event.

If alcohol service is allowed under the Event Permit, the Event Organizer is responsible for checking the identification of all persons being served alcohol, as well as for ensuring that all persons acting as servers are age 21 or older. Event Organizers should also



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

ensure that people with disabilities are able to take alcoholic beverages to the accessible viewing area. It is the servers' responsibility to make sure that intoxicated persons are not served.

If the Event is sponsored or assisted financially by the Town, or if the Event is held on Town property, then a list of names of the volunteer alcohol servers must be submitted to the Town with the Event Permit Application and prior to issuance of an Event Permit.

If alcohol is permitted at the Event, the Event Organizer must contact the Virginia Department of Alcohol Beverage Control at least 21 days prior to the Event to determine if a license is needed. If an ABC license is required for an Event that is held on public property or sponsored financially by the Town, then a copy of the ABC license must be provided to the Town no later than 7 days prior to the Event.

**Sec. 6-7. Public Assembly**

Nothing in this Ordinance shall be construed to prevent members of the public from assembling in the public parks or public streets for the purpose of demonstrating, making any speech, or conveying any message to the public or to the government, provided that they have complied with all other ordinances and provided they are peaceable and not in violation of any laws concerning the public order.

Persons assembling without an Event Permit will not be entitled to the benefits provided by these regulations, including, but not limited to, the right to (a) erect stages, barricades, utility poles, booths, tents, or other temporary structures, (b) the assistance of Town personnel in carrying out their Event, or (c) exclusive or reserved use of the facility unless otherwise authorized by some other ordinance or law.



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

**Sec. 6-8. Town Events; Town Donations to Events**

- A. Town Events. Certain Events are organized and paid for by the Town (“Town Events”) and include Painting Purcellville Green, Public Safety Day, the Memorial Day Ceremony, Summer Movie Nights, the 4<sup>th</sup> of July Parade, the 9/11 Memorial Ceremony, the Town of Purcellville Holiday Events (December), the Food and Wine Festival, the Music and Arts Festival, and the Loudoun Grown Expo. So long as the Town assumes complete responsibility for these Events, they remain ineligible for Town Donations (described below). Should the Town cease to assume complete responsibility for a Town Event, then such event will no longer be a Town Event and will be eligible for Town Donations to Events under the process described below.
- B. Town Donations to Events. The Town Council may, in its sole discretion each year, elect to designate in its annual budget certain services and funds for donation to Events. Applications for such services and funds must be submitted to the Town no later than December 31<sup>st</sup> each calendar year, to be considered for inclusion in the budget adopted by Town Council the following calendar year. The Town’s Event Specialist will review all applications and will make a recommendation as to each application to the Town Council. Applicants will be notified of the Town Council’s decision to allocate funds for donation by July 1<sup>st</sup> of the calendar year following submittal of the application for donation. Donations awarded in one year will not automatically be repeated in following years; applications for donation must be submitted to the Town each year. An application for donation must meet all of the following criteria in order to be approved:
- (1) The Town Council must determine that the proposed Event will do at least one of the following: (a) draw tourists to the Town, (b) provide a heritage, historical, or cultural experience or education that is relevant to the Purcellville area or of benefit to Purcellville residents, or (c) raise money or collect goods for a social service that benefits the residents of Purcellville, such as fire & emergency rescue services, housing assistance, animal control & adoption, and food assistance.

**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

- (2) The applicant for donation is an organization authorized to receive donations from the Town under Code of Virginia § 15.2-953, as amended, and the applicant provided proof of such statutory compliance with its application for donation.

Funds approved by the Town for donation to an Event will be distributed to the Event Organizer only after the Event Permit Application has been approved in accordance with these regulations. If the Event for which funds were donated is cancelled, the Event Organizer shall promptly refund the donation to the Town.

**Sec. 6-9. Town Services; Fees**

- A. Services; Fees. Events that require services such as site preparation, set-up, clean-up, event planning, police, street closure, or other health and safety services, as determined by the Town, shall not be issued an Event Permit unless such services have first been secured and, if such services are to be provided by the Town, paid for. The Event Organizer may secure the required services from the Town, provided such services are available for the date of the Event, by paying the Town’s estimated cost for such services in accordance with the Town’s master fee schedule, or may secure the services privately and provide evidence to the Town of the same.
- B. Contingency; Reconciliation. Because the need and associated cost for services provided by the Town is based on event planning estimations, the Town will assess a contingency fee against the Event Organizer equivalent to 10% of the estimated cost for services provided by the Town, as a condition to obtaining an Event Permit. After the Event, if the Event Organizer can show that the Town services paid for by the Event Organizer were greater than the Town services actually received, the Town will reimburse the Event Organizer for any overpayment.
- C. Event Permit Application Fee. The Event Permit Application Fee is a fee that covers the Town’s administrative cost to process the Event Permit Application, and is required regardless of whether any Town Services are required.



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS “EVENTS”, REPEALING SECTION 6-1 (“PUBLIC DANCES”) IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

- D. Refunds. If the Event is canceled by the Event Organizer, any fees paid for Town services, but not the Event Permit Application Fee, will be refunded on a pro-rated basis in order to pay for services rendered by the Town prior to its notification of cancellation, and services that have been contracted for and cannot be cancelled without cost.

**Sec. 6-10. Marketing and Contracts**

Acceptance by the Town of an Application for Event Permit does not constitute approval of the Event. The Event Organizer should ensure that the Event is approved and the Event Permit is issued before the Event is promoted or marketed, and before any contracts or other legal obligations for the Event are entered into.

**Sec. 6-11. Waiver**

The Town Manager, or his designee, will grant a waiver to Event Ordinance requirements if he finds: (i) the waiver was requested in writing, (ii) good reasons justify granting the waiver, (iii) granting the waiver will not compromise the purpose or intent of the Ordinance, and (iv) granting the waiver will not compromise the public health, safety or welfare. The Town’s grant or denial of each waiver request shall be set forth in writing and shall specify the grounds on which the waiver was either granted or denied. If the Town denies a waiver request, the Event Organizer may appeal such denial to the Circuit Court of Loudoun County.

**Sec. 6-12. Penalties**

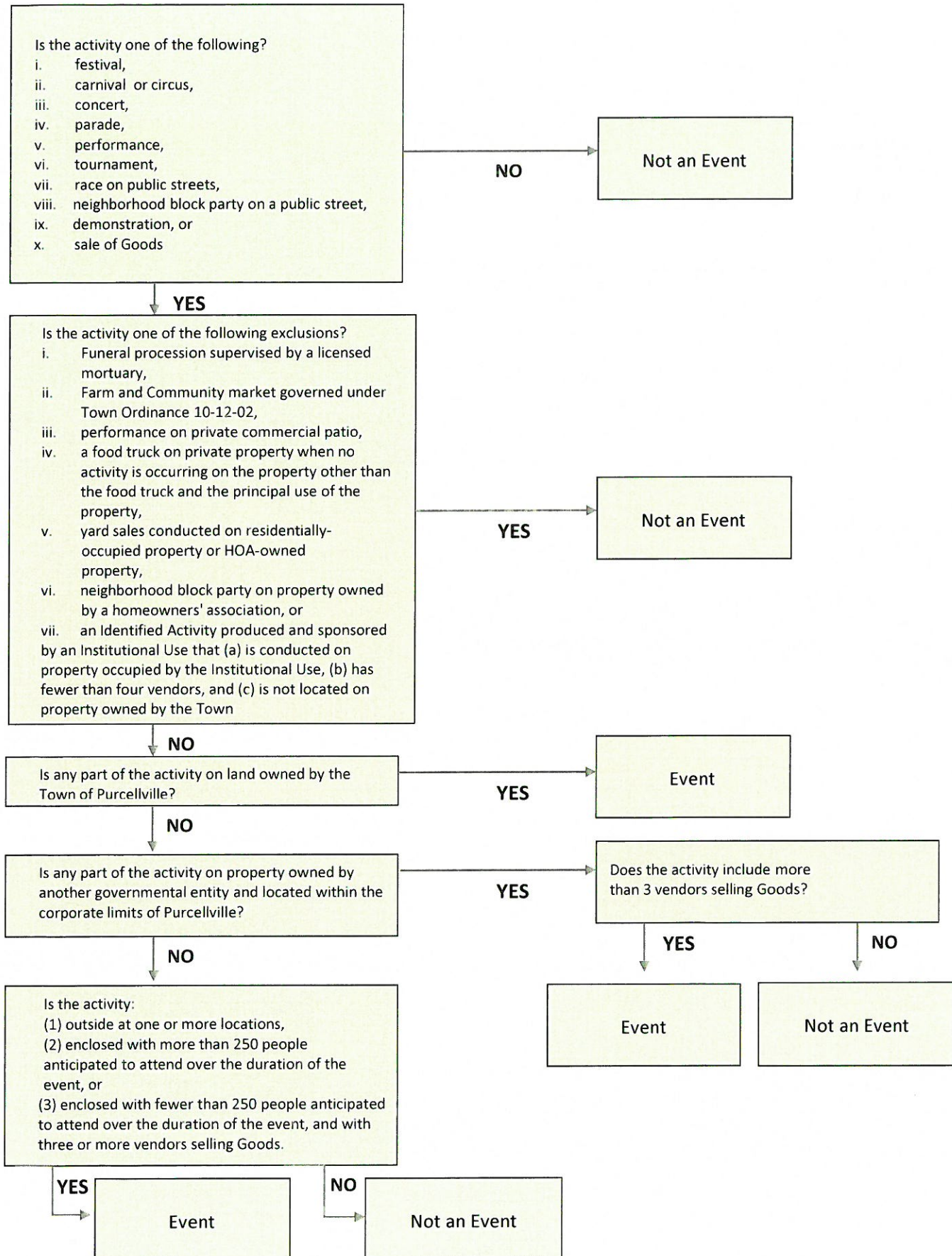
Conducting an Event without an Event Permit is subject to a civil penalty of up to \$1,000 per violation. Other violations of these regulations may be subject to a civil penalty of up to \$500 per violation. (Ref. Va. Code § 15.2-1429)

**Sec. 6-13. Enforcement**

This Ordinance shall be administered and enforced by the Town Manager or his designee.

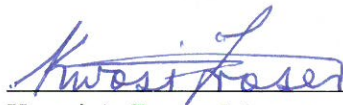


## Events Ordinance Flow Chart



**AN ORDINANCE TO AMEND TOWN CODE CHAPTER 6 BY RETITLING CHAPTER 6 AS "EVENTS", REPEALING SECTION 6-1 ("PUBLIC DANCES") IN ITS ENTIRETY, AND ADDING SECTIONS 6-1 THROUGH 6-13, REGULATING EVENTS IN THE TOWN OF PURCELLVILLE**

**PASSED THIS 27<sup>TH</sup> DAY OF OCTOBER, 2015.**



Kwasi A. Fraser, Mayor  
Town of Purcellville

ATTEST:



Diana Hays, Town Clerk